

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KEVIN PARKER,

Plaintiff,

v.

LISA KRAUSE-HENGST, Deputy Sheriff;
TRAVIS MCPHEARSON, Deputy Sheriff;
JAMIE PETERSON, Deputy Sheriff; DAVID
CLINE, Deputy Sheriff; CINDY SCHALLER,
Deputy Sheriff; COLIN FOSTER, Deputy Sheriff;
JOHN BROGAN, Deputy Sheriff Sergeant;
Employees Dane County Jail, Individual
and Official Capacity;

Defendants.

ORDER

09-cv-436-slc

Plaintiff Kevin Parker, a prisoner at the Dodge Correctional Institution in Waupun, Wisconsin, has submitted a proposed complaint. He requests leave to proceed *in forma pauperis*. A decision on the request will be delayed until plaintiff pays an initial partial payment of the filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. Plaintiff's initial partial payment cannot be calculated at this time because the trust fund account statement he submitted with his complaint does not cover the full six-month period immediately preceding the filing of his complaint.

Plaintiff's complaint was submitted on July 8, 2009. His trust fund account statement should cover the period beginning approximately January 8, 2009 and ending approximately July 8, 2009. Instead, it covers a one-month period beginning June 10, 2009 and ending June 30,

2009. This statement appears to show that plaintiff arrived at the Dodge Correctional Institution on or about June 10, 2009, however from the allegations in plaintiff's complaint, it appears he has been in custody since at least March 6, 2009. When a prisoner is incarcerated at one or more institutions during the six-month period immediately preceding the filing of his lawsuit, he is required under 28 U.S.C. § 1915(a)(2) to obtain a trust fund account statement "from the appropriate official of each prison at which [he] is or was confined" during the relevant period. Therefore, if plaintiff wants to continue with this lawsuit, he will have to write to any other institution in which he may have been confined between January 8, 2009 and his transfer to Dodge Correctional, to request a certified copy of his trust fund account statement for the appropriate period.

ORDER

IT IS ORDERED that plaintiff may have until August 6, 2009, in which to submit trust fund account statements for the period beginning January 8, 2009 and ending July 8, 2009. If, by August 6, 2009, plaintiff fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily and, in that case, the clerk of court is directed to close this file

without prejudice to plaintiff's filing his case at a later date.

Entered this 15th day of July, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge